OIPE
MAY 18 2006

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

| TOTAL AMOUNT OF PAYMENT | ($) | 500.00 |

Complete if Known	
Application Number	09/684,861
Filing Date	October 6, 2000
First Named Inventor	Bilibin, Paul
Examiner Name	Van Doren, Beth
Art Unit	3623
Attorney Docket No.	PSTM0024/MRK

METHOD OF PAYMENT (check all that apply)

☑ Check   ☐ Credit Card   ☐ Money Order   ☐ None   ☐ Other (please identify): _____

☑ Deposit Account   Deposit Account Number: 501574   Deposit Account Name: Khorsandi Patent Law Grp

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☑ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fees Paid ($)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____ =	_____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____ =	_____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims	
Fee ($)	Fee Paid ($)
_____	_____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)	Fee Paid ($)
_____ - 100 =	_____	/ 50 = _____ (round up to a whole number) x	_____	= _____

4. OTHER FEE(S)

	Fees Paid ($)
Non-English Specification, $130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Appeal Brief	$500.00

SUBMITTED BY

Signature	*Marilyn R. Khorsandi*	Registration No. (Attorney/Agent) 45,744	Telephone (626) 796-2856
Name (Print/Type) Marilyn R. Khorsandi			Date May 18, 2006

05-22-06   AF
                                                                                               IFW $

OIPE
MAY 18 2006
PATENT & TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant	:	Bilibin, Paul et al.
Application No.	:	09/684,861
Filed	:	October 6, 2000
Title	:	Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers
Technology Center	:	3600
Grp./Div.	:	3623
Examiner	:	Van Doren, Beth
Docket No.	:	PSTM0024/MRK

APPEAL BRIEF TRANSMITTAL LETTER

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA   22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA   91101-4710
May 18, 2006

Commissioner:

Enclosed are the following:

1. Check Number 2108 for the amount of $500 to cover the Appeal Brief filing fee;

2. FY 2006 Fee Transmittal (in duplicate);

3. Statement Under 37 C.F.R. §3.73(b) by Real Party in Interest STAMPS.COM INC.;

4. Statement Under 37 C.F.R. §3.73(b) by Real Party in Interest ISHIP INC.;

5. Appeal Brief, including Claims Appendix, Evidence Appendix and Related Proceedings Appendix, (Total 69 pages); and
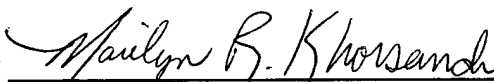
6. Return post card.

The requisite fee set forth in 37 C.F.R. §41.20(b)(1) for filing a Notice of Appeal was presented with the filing of the Notice of Appeal and a Pre-Appeal Brief Request for Review, both of which are recorded on the U.S. Patent and Trademark Office PAIR System as having been received on March 20, 2006.

The requisite fee set forth in 37 C.F.R. §41.20(b)(2) for filing this Appeal Brief is presented herewith.

It is respectfully submitted that the Enclosed Appeal Brief is timely filed because it is filed prior to the expiration of May 22, 2006; May 22, 2006 is the first business day following May 20, 2006; May 20, 2006 is the date on which the two month period following the PAIR-recorded March 20, 2006 Notice-of-Appeal-receipt-date ends.

Even so, the Commissioner is hereby authorized, pursuant to 37 CFR 1.136(a)(3), to treat any concurrent or future reply or correspondence for the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a constructive petition for extension of time for the appropriate length of time. The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17, including any required extension fees, which may be required during the **pendency** of this application, to Deposit Account No. 501574. Please show our docket number with any charge or credit to our Deposit Account. **A copy of this letter is enclosed.**

Respectfully submitted,
KHORSANDI PATENT LAW GROUP, ALC

By _Marilyn R. Khorsandi_
Marilyn R. Khorsandi
Reg. No. 45,744
Customer No. 29524
626/796-2856

MRK/aa
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant(s): Bilibin, Paul et al.	Group Art Unit: 3623
Serial No.: 09/684,861	Examiner: Van Doren, Beth
Filed: October 6, 2000	
Title: Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers	
Attorney Docket No.: PSTM0024/MRK	

STATEMENT UNDER 37 C.F.R. §3.73(b)

STAMPS.COM INC. is the owner of an undivided whole interest in common with ISHIP INC. in the instant application. Documentary evidence of the chain of title in accordance with 37 C.F.R. 3.73 (b)(1)(ii) is recorded: 1.) in an Assignment of the entire right, title and interest from the Inventors named in the instant application to STAMPS.COM INC. as recorded by the Assignment Division of the United States Patent and Trademark Office on March 13, 2001 on Reel No. 011630 and Frame No. 0196; and 2.) in a subsequent Intellectual Property Joint Ownership Agreement Notice of Assignment identifying both STAMPS.COM INC. and ISHIP INC. as Assignees of an undivided whole interest in common in all rights title and interest in and to the instant application as recorded by the Assignment Division of the United States Patent and Trademark Office on March 26, 2004 on Reel No. 014466 and Frame No. 0275.

The undersigned is empowered to act on behalf of STAMPS.COM INC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature	May 17, 2006 _Date_
Seth Weisberg _Typed or printed name_	Vize President + General Counsel _Title_
310 4825808 _Telephone Number_	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AND
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant(s): Bilibin, Paul et al.	Group Art Unit: 3623
Serial No.: 09/684,861	Examiner: Van Doren, Beth
Filed: October 6, 2000	
Title: Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers	
Attorney Docket No.: PSTM0024/MRK	

STATEMENT UNDER 37 C.F.R. §3.73(b)

ISHIP INC. is the owner of an undivided whole interest in common with STAMPS.COM INC. in the instant application. Documentary evidence of the chain of title in accordance with 37 C.F.R. 3.73 (b)(1)(ii) is recorded: 1.) in an Assignment of the entire right, title and interest from the inventors named in the instant application to STAMPS.COM INC. as recorded by the Assignment Division of the United States Patent and Trademark Office on March 13, 2001 on Reel No. 011630 and Frame No. 0196; and 2.) in a subsequent Intellectual Property Joint Ownership Agreement Notice of Assignment identifying both STAMPS.COM INC. and ISHIP INC. as Assignees of an undivided whole interest in common in all rights title and interest in and to the instant application as recorded by the Assignment Division of the United States Patent and Trademark Office on March 26, 2004 on Reel No. 014466 and Frame No. 0275.

The undersigned is empowered to act on behalf of ISHIP INC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature

W. Tim Davis
Typed or printed name

858-882-5766
Telephone Number

5/18/06
Date

General Mgr.
Title

PATENT

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant	:	Bilibin, Paul et al.
Application No.	:	09/684,861
Filed	:	October 6, 2000
Title	:	Apparatus, Systems and Methods for Determining Delivery Time Schedules for Each of Multiple Carriers
Technology Center	:	3600
Grp./Div.	:	3623
Examiner	:	Van Doren, Beth
Docket No.	:	PSTM0024/MRK

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA   22313-1450

140 S. Lake Ave., Suite 312
Pasadena, CA 91101-4710
May 18, 2006

APPEAL BRIEF

This is an appeal from a final rejection of the Examiner, dated December 20, 2005, rejecting Claims 1-13, 15-17 and 19-21, all claims currently pending in the case.

Applicants file this Appeal under 37 C.F.R. §41.31(a), all claims having been twice rejected.

The requisite fee set forth in 37 C.F.R. §41.20(b)(1) for filing a Notice of Appeal was presented with the filing of the Notice of Appeal and a Pre-Appeal Brief Request for Review; both of which were filed via First Class U.S. Mail on March 16, 2006 with Certificates of Mailing; both of which are acknowledged on the U.S. Patent and Trademark Office PAIR System as having been received on March 20, 2006.

The requisite fee set forth in 37 C.F.R. §41.20(b)(2) for filing this Appeal Brief is presented herewith.

In reply to the Pre-Appeal Brief Request for Review, a Notice of Panel Decision from Pre-Appeal Brief Review issued, dated April 18, 2006, indicating the application remained on appeal. The Notice of Panel Decision set a period of one month from the date of the Notice of Panel Decision, or two months from the date of receipt of the Notice of Appeal, whichever is greater, in which to file an Appeal Brief.

-1-

Accordingly, it is respectfully submitted that this Appeal Brief is timely filed because it is filed prior to the expiration of May 22, 2006, which is the first business day following May 20, 2006, which is the date on which the two month period following the date of receipt by the Patent Office of the Notice of Appeal ends.

TABLE OF CONTENTS

REAL PARTY IN INTEREST (37 C.F.R. §41.37(c)(1)(i) heading)

In an Assignment, Inventors Paul Bilibin and Jinyue Liu assigned the entire right, title and interest in and to the instant application to STAMPS.COM INC. as recorded by the Assignment Division of the United States Patent and Trademark Office on March 13, 2001 on Reel No. 011630 and Frame No. 0196. In a subsequent Intellectual Property Joint Ownership Agreement Notice of Assignment, STAMPS.COM INC. noticed the assignment of an undivided whole interest in common in all rights, title, and interest in and to the present application to both STAMPS.COM INC. and ISHIP INC., as recorded by the Assignment Division of the United States Patent and Trademark Office on March 26, 2004 on Reel No. 014466 and Frame No. 0275. Mr. Bilibin and Mr. Liu, the inventors, are employees of ISHIP INC. Statements by both STAMPS.COM INC. and ISHIP INC. under 37 C.F.R. §3.73(b) are filed concurrently herewith.

ISHIP INC. is a fully owned subsidiary of UNITED PARCEL SERVICE OF AMERICA, INC., which is a fully owned subsidiary of UNITED PARCEL SERVICE, INC.

Accordingly, STAMPS.COM INC., ISHIP INC., UNITED PARCEL SERVICE OF AMERICA, INC., and UNITED PARCEL SERVICE, INC. are the real parties in interest in this case.

RELATED APPEALS AND INTERFERENCES (37 C.F.R. §41.37(c)(1)(ii) heading)

There are no related appeals or interferences known to Appellants, or known to Appellants' legal representative, that will directly affect the Board's decision regarding the present Appeal. Applicants have not previously presented the current claim set to the Board in an Appeal Brief. Further, Applicants have not filed any appeals to the Board for any related cases. However, a Pre-Appeal Brief Request for Review was filed for the present application with a Notice of Appeal from the December 20, 2005 Office Action on March 16, 2006; the Pre-Appeal Brief Request for Review and the Notice of Appeal are acknowledged on the U.S. Patent and Trademark Office PAIR System as having been received on March 20, 2006. In reply to the Pre-Appeal Brief Request for Review, a Notice of Panel Decision from Pre-Appeal Brief Review issued, dated April 18, 2006, indicating the application remained on appeal; a copy of the Notice of Panel

Decision from Pre-Appeal Brief Review is included in the Related Proceedings Appendix hereto.

STATUS OF CLAIMS (37 C.F.R. §41.37(c)(1)(iii) heading)

The present application was filed on October 6, 2000, claiming priority under 37 C.F.R. §1.78(a)(4) to: U.S. Provisional Patent Application Serial No. 60/158,179, filed on October 6, 1999; U.S. Provisional Patent Application Serial No. 60/170,186, filed on December 10, 1999; U.S. Provisional Patent Application Serial No. 60/170,504, filed on December 13, 1999; U.S. Provisional Patent Application Serial No.60/192,692, filed on March 28, 2000; U.S. Provisional Patent Application Serial No. 60/192,723, filed on March 27, 2000; U.S. Provisional Patent Application Serial No. 60/193,899, filed on March 31, 2000; and U.S. Provisional Patent Application Serial No. 60/195,748, filed on April 6, 2000.

The application was originally filed with nine (9) claims, three (3) of which were independent claims, namely, Claims 1, 4 and 7.

All of the original claims were rejected in the Examiner's first Office Action, dated December 24, 2003.

A Telephone Interview with the Examiner was conducted on June 2, 2004 during which Claims 1 and 3 were discussed and during which new Claims 10 and 16 were proposed; cited reference Cameron, et al., U.S. Patent No. 5,832,459 was discussed.

In an Amendment and Response to the Examiner's first Office Action, filed June 23, 2004, Claims 1 - 9 were amended and Claims 10-18 were added.

Claims 1-18 were rejected in the Examiner's final Office Action, dated September 13, 2004.

In response to the Examiner's final Office Action, a Request for Continued Examination ("RCE") was filed on December 13, 2004, with an Amendment and Response that amended Claims 1-10, and 14-18.

Claims 1-18 were rejected in the Examiner's first post-RCE Office Action, dated January 11, 2005.

In response to the Examiner's first post-RCE Office Action, an Amendment and Response was filed on April 11, 2005 in which Claim 4 was amended and Claims 19-21 were added; a Declaration Under 37 C.F.R. § 1.131 was submitted with the Response, a copy of which is included in the Evidence Appendix hereto.

Claims1-21 were rejected in the Examiner's second post-RCE Office Action, dated July 6, 2005.

In response to the Examiner's second post-RCE Office Action, dated July 6, 2005, an Amendment and Response was filed on October 6, 2005, in which Claims 1, 4, 7, 10, 15, 17 were amended, Claims 14 and 18 were cancelled, and Claims 22-23 were added.

Claims 1-13, 15-17, and 19-23 were rejected in the Examiner's final post-RCE Office Action, dated December 20, 2005.

A Pre-Appeal Brief Request for Review was filed with a Notice of Appeal from the December 20, 2005 Office Action on March 16, 2006.

A Notice of Panel Decision, dated April 18, 2006, issued, indicating the application remained on appeal.

The status of the Claims is as follows:

Allowed Claims: None

Cancelled Claims: 14, 18

Claims objected to: None

Rejected Claims: 1-13, 15-17 and 19-23

STATUS OF AMENDMENTS (37 C.F.R. §41.37(c)(1)(iv) heading)

No amendments subsequent to the Examiner's final post-RCE Office Action, dated December 20, 2005, have been filed.

SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. §41.37(c)(1)(v) heading)

Various Claims of the present application explicitly recite a limitation of a cross-comparison delivery schedule. For reasons explained in more detail below, a cross-

comparison delivery schedule may be useful for allowing a user to compare delivery scheduling for each respective particular delivery service of a plurality of delivery services offered by each respective particular carrier of a plurality of carriers that would deliver a particular respective parcel. In addition, some of the Claims recite a limitation of a cross-comparison delivery schedule that further comprises a calculated shipping cost for each delivery service offered by each carrier that would delivery the particular respective parcel. The reasons for providing such a cross-comparison delivery schedule and details about the claimed cross-comparison delivery schedule are described in the specification of the present application as outlined below.

Individuals, small businesses and major corporations ("Shipper(s)") ship billions of parcels every year. Each parcel, also sometimes referred to herein as a package, is shipped by a Shipper using at least one parcel carrier ("carrier(s)", or "Carrier(s)"). *Specification*, p. 1, lines 23-26.

Each parcel can be characterized by a set of "Parcel Specifications." Parcel specifications may include but are not limited to such factors as: parcel dimensions, parcel weight, parcel value, and the like. *See Specification*, p. 1, lines 27-29.

Each Shipper may be faced with certain shipping requirements and limitations ("Shipping Requirements"), such as the location from which the parcel is to be shipped, a time frame within which the particular parcel must arrive at its destination, the ability of the shipper to drop off the parcel, budgetary constraints with regard to the cost of shipping, insurance against loss, delivery notification, loss protection, and the like. *See Specification*, p. 2, lines 1-5.

Each Carrier has its own unique rating schedule, and delivery and pickup rules and schedules for each of a multitude of different services. In some cases, a particular Carrier's rules may be available in a standalone Carrier-provided paper-based or computer system. Many Shippers attempt to work with each of the standalone, individual paper-based and computer Carrier-provided systems ("standalone Carrier system environment") in order to ship a parcel. *See Specification*, p. 2, lines 6-11.

A Shipper that uses standalone Carrier systems must sort through the various services offered by each carrier and apply each Carrier's rules to determine whether

one or more carriers offer a service with which to deliver a particular parcel according to the Shipper's requirements. If the Shipper determines that more than one carrier offers a service with which to deliver a particular parcel according to the Shipper's requirements, then the particular Shipper might additionally be concerned with selecting a carrier and service that provide shipping services at the optimal price. *See Specification*, p. 2, lines 12-18.

One of the problems that a Shipper encounters in dealing with standalone Carrier systems is that the Shipper must attempt to apply each Carrier's delivery schedule rules to a particular parcel in order to compare rates for various potential delivery schedules of the parcel. Each Carrier's delivery schedule rules and associated pricing rules must be separately applied by the Shipper to a particular parcel's specifications and an origin and a destination zip code in order to preview each Carrier's potential delivery schedule and rates for shipping a particular parcel. Some way was needed so that a Shipper could compare each Carrier's various possible delivery schedules and associated charges for shipping a particular parcel. *See Specification*, p. 2, lines 19-26.

Various embodiments of the present invention provide apparatus, systems and methods for determining, in response to each respective request by each respective particular user of a plurality of users to ship a particular respective parcel, wherein each respective request comprises a first address and a second address, a respective potential cross-comparison delivery schedule. The determined respective cross-comparison delivery schedule comprises a plurality of respective service-specific, carrier-specific delivery schedules to ship the particular respective parcel from the first address to the second address. Each respective service-specific, carrier-specific delivery schedule in the determined respective cross-comparison delivery schedule corresponds to a respective particular delivery service of a plurality of delivery services offered by a respective particular carrier of a plurality of carriers. The respective potential cross-comparison delivery schedule comprises a respective delivery date and a respective delivery time for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel. *See Specification*, p. 2, line

29 - p. 3, line 8; *Specification*, p. 45, line 7 - p. 48, line 27.

In various embodiments of the present invention, each user accesses the various embodiments of the present invention over a global communications network using a client computer device, and each user client computer device has an individual electronic connection to the global communications network. *See Specification*, p. 3, lines 5 - 8.

FIG. 36a is a graphic representation depicting an exemplary embodiment of a dynamically dimensioned, multi-carrier, multi-service shipping rates comparison Graphic Array in an exemplary embodiment of the present invention. *See Specification*, p. 6, lines 26-29. The exemplary embodiment of an exemplary multi-carrier, multi-service cross-comparison delivery schedule depicted in FIG. 36a is described in more detail below.

As depicted in FIG. 36a, the exemplary Graphic Array contains the following information and display elements: 1) valid delivery dates 1063 (1063-1 through 1063-3) across the top of the graphic display for the selected Ship Date; 2) sorted, valid delivery times 1064 (1064-1 through 1064-6) for all valid dates down the left side of the graphic display; and 3) color-coded by Carrier, Carrier cell entries, e.g., 1065, for each available rate, by date and time. *See Specification*, p. 45, lines 7-12.

In the exemplary embodiment depicted in FIG. 36a the Graphic Array comprises an array of intersecting rows and columns. Each column corresponds to a day and date of parcel delivery. *See Specification*, p. 45, lines 13-18. Each row of the Graphic Array corresponds to a time of delivery. *See Specification*, p. 45, lines 19-21.

At the intersection of each row (1064-1 through 1064-6) and column (1063-1 through 1063-7) of the Graphic Array is a "cell." Empty cells represent the circumstances that none of the Carriers supported by the System (the "supported Carriers") support delivery of the Subject Parcel for the time and date for which that cell represents the intersection. *See Specification*, p. 45, lines 22-29.

Some cells depicted in FIG. 36a have one or more cell entries. In FIG. 36a, each cell entry represents a particular Carrier. Each Carrier cell entry is color-coded with a unique color, the unique color corresponding to a particular Carrier; each Carrier cell

entry contains a graphic element, e.g., 1147a, and a monetary amount, e.g., 1147b, which represents the price for which the corresponding Carrier would deliver the subject parcel. See *Specification*, p. 46, lines 1-7.

In the embodiment of the Graphic Array depicted in FIG. 36a, the Graphic Array is dynamically dimensioned. For instance, only the dates and days (1063-1 through 1063-3) for which delivery that conforms to the particular Shipper's Parcel Specifications for the particular Subject Parcel are displayed across the top of the graphic. For example, for the date Tuesday, September 28, 1999 (1063-1), at the time 5:00 p.m. (1064-6), no Carrier supports delivery of the Subject Parcel. See *Specification*, p. 48, lines 11-16.

Further, as depicted in FIG. 36a, only the times (1064-1 through 1064-6) during which at least one of the Carrier/Services identified as supporting the delivery are displayed along the viewer's left side of the Dynamically Dimensioned Multi-Carrier Graphic Array online display. See *Specification*, p. 48, lines 17-20.

Still further, as depicted in FIG. 36a, a Carrier cell entry, e.g., 1065, is displayed for each of, and only for each of, the Carriers/Services that support delivery for a particular day and time in the cell of the Graphic Array that represents delivery on a particular day and at a particular time. See *Specification*, p. 48, lines 21-27.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. §41.37(c)(1)(vi) heading)

Issue 1: Claims 1-13, 15-17, and 19-21 were rejected in Topic 3 of the final post-RCE Office Action under 35 U.S.C. §103(a) as being unpatentable over Thiel (U.S. Patent No. 5,699,258; "*Thiel*") in view of FedEx (www.fedex.com; "*FedEx*"). A copy of each of *Thiel* and *FedEx* are included in the Evidence Appendix hereto. *Thiel* was first relied on by the Examiner as a basis for rejection in the Office Action, dated July 6, 2005. *FedEx* was first relied on by the Examiner as a basis for rejection in the Office Action, dated December 20, 2005. The final post-RCE Office Action did not list Claims 22 and 23 in the rejection in Topic 3 but rejected Claims 22 and 23 in the text of Topic Number 18 of

the Office Action, citing *Thiel* and *FedEx*. Following are sub-issues regarding the rejection of groups of Claims:

Issue 1a -Rejection of Independent Claims 1, 4, and 7 and Dependent Claims 17, 22 and 23:

In rejecting independent Claim 1 (and independent Claims 4 and 7), it is the Examiner's position in Topic 4 of the Office Action dated 12/20/05 (the "*Office Action*") that *Thiel* "...discloses a shipping management computer system, said computer system programmed to: in response to each respective request by each particular user of a plurality of users to ship a particular respective parcel, wherein each respective request includes a first address and a second address, determine a respective potential cross-comparison delivery schedule, said respective cross-comparison delivery schedule comprising a plurality of respective service-specific carrier-specific delivery schedules to ship the particular respective parcel from the first address to the second address, wherein each respective service-specific carrier-specific delivery schedule corresponds to a respective particular delivery service of a plurality of delivery services offered by a particular carrier of a plurality of carriers, wherein the respective potential cross comparison delivery schedule comprises services by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel, and wherein the shipping management computer system is accessed by each respective particular user via a communications network using a respective user client computer device ...". *Office Action*, Topic No. 4, pages 2-3; *see also, Office Action*, Topic Nos. 7 and 8; *Office Action*, Topic Nos. 14 and 18.

In support of the Examiner's above-stated findings of *Thiel's* disclosures, the Examiner cited *Thiel's* abstract; column 4, line 60-column 5, line 15; column 8, lines 45-66; column 11, lines 1-25 and 46-54; figure 1; column 2, lines 35-61; column 3, lines 9-26; column 7, lines 25-35; and column 10, lines 15-35. *Office Action*, Topic No. 4, page 3.

It is the Examiner's position, in rejecting Claims 1, 4 and 7, that "... while Thiel discloses the date of shipping and planning delivery based on the shipment type, such

as express mail, Thiel does not expressly disclose that the delivery schedule comprises a respective delivery date and a respective delivery time for each respective particular delivery." *Office Action*, Topic No. 4, p. 3, first full paragraph.

To compensate for the above-mentioned findings of gaps in *Thiel,* the Examiner takes the position that pages 2-3, page 5 section 1, and page 6 of the *FedEx* reference support the Examiner's finding that "FedEx discloses a carrier offering shipment types, wherein shipment types comprise a respective delivery date and a respective delivery time ...". *Office Action*, Topic No. 4, p. 3, second full paragraph.

Combining the *Thiel* and *FedEx* references, the Examiner takes the position that "Thiel discloses that the[] date of the shipment is input into the system and also discloses shipment types for carriers, these shipment types including express mail, priority, etc. FedEx discloses a respective delivery date and a respective delivery time for each service type for the carrier, such as if the current date was 12/12/05, the shipment type 'priority overnight' would give the delivery date of 12/13/05 with the delivery time of 10:30. Therefore, since Thiel discloses specifying a date of shipment in the system and types of services that include guaranteed times to delivery, it would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying the delivery date and delivery time of the carrier, such as the dates and times set forth in FedEx, in order to increase user satisfaction with shipping items by showing a display containing more comprehensive information about the service types offered by the competing carriers, thus aiding the user in the selection of a proper carrier. [citing Thiel, column 10, lines 55-67, and column 11, lines 45-55.]". *Office Action*, Topic No. 4, p. 3, third full paragraph - p. 4.

Issue 1b -Rejection of Dependent Claims 2, 5, and 8:

In rejecting dependent Claim 2 (and dependent Claims 5 and 8), it is the Examiner's position in Topic 5 of the *Office Action* that the computer system of *Thiel* is "...further programmed to: calculate a respective shipping rate for each said respective particular delivery service to ship the particular respective parcel according to the respective service-specific carrier-specific delivery schedule (See column 4, line 60-

column 5, line 15, column 6, lines 49-55, column 8, line 45-66, column 10, line 65-column 11, line 25 and 46-54, wherein a shipping rate is calculated for each carrier)." _Office Action_, Topic No. 5, p. 4; _see also_, _Office Action_, Topic Nos. 7 and 8.

Issue 1c -Rejection of Dependent Claims 3, 6, and 9:

In rejecting dependent Claim 3 (and dependent Claims 6 and 9), it is the Examiner's position in Topic 6 of the _Office Action_ that the computer system of _Thiel_ is "...further programmed to: in response to a user request by a respective particular user for a shipping rate and delivery schedule comparison, generate a display of an online, interactive prompt to a display monitor configured with the respective user client computer device of the respective particular user, said online interactive prompt comprising a simultaneous cross-comparison of said respective shipping rates, the display of each respective shipping rate corresponding to a display of the respective service-specific carrier-specific delivery schedule for the particular delivery service to ship the particular respective parcel (See column 6, lines 7-11 and 50-55, column 7, lines 15-30, column 10, lines 45-64, column 11, lines 45-55, wherein a display shows a cross comparison of multiple carriers by plans, charges, and types. See figure 1, column 2, lines 35-61, column 3, lines 9-26, column 7, lines 25-35, and column 10, lines 15-35, all of which discuss the architecture of the system including a communications network and a client device connected to the network)." _Office Action_, Topic No. 6, pp. 4-5; _see also_, _Office Action_, Topic Nos. 7 and 8.

Issue 1d -Rejection of Independent Claim 10 and by virtue of their dependency on Claim 10, Dependent Claims 11, 12, 13, 19, 20 and 21

In rejecting independent Claim 10, it is the Examiner's position that _Thiel_ discloses, among other things, "...identifying a first carrier from said subset of carriers and a first set of shipment types provided by said first carrier ...". _Office Action_, Topic No. 9, p. 6, first full paragraph. It is further the Examiner's position that _Thiel_ discloses "... determining a first set of delivery schedules according to which said first carrier would be able to satisfy said shipping specifications, each one of said first set of

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delivery schedules corresponding to at least one of said first set of shipment types ...". *Office Action*, Topic No. 9, p. 6, second full paragraph. The Examiner has also taken the position that *Thiel* discloses "... identifying a second carrier from said subset of carriers and a second set of shipment types provided by said second carrier ...". *Office Action*, Topic No. 9, p. 6, fourth full paragraph. Further, the Examiner has taken the position that *Thiel* discloses "...determining a second set of delivery schedules that said second carrier is capable of providing to said user, each one of said second set of delivery schedules corresponding to at least one of said second set of shipment types ...". *Office Action*, Topic No. 9, p. 6, fifth full paragraph – p. 7. The Examiner also stated that *Thiel* discloses "... displaying to the user said first set of delivery schedules, said first set of service charges, and said first set of shipment types ... ". *Office Action*, Topic No. 9, p. 7, second full paragraph. Further, the Examiner state that Thiel discloses "... simultaneously displaying to the user said second set of delivery schedules, said second set of service charges, and said second set of shipment types ...". *Office Action*, Topic No. 9, p. 7, third full paragraph.

It is the Examiner's position, in rejecting independent Claim 10 that "... while Thiel discloses the date of shipping and planning delivery based on the shipment type, such as express mail, Thiel does not expressly disclose a delivery date and time." *Office Action*, Topic No. 9, p. 7, fourth full paragraph.

To compensate for the above-mentioned findings of gaps in *Thiel*, the Examiner takes the position that pages 2-3, page 5 section 1, and page 6 of the *FedEx* reference support the Examiner's finding that "FedEx discloses a carrier offering shipment types, wherein shipment types comprise a respective delivery date and a respective delivery time ...". *Office Action*, Topic No. 9, p. 7, fifth full paragraph.

Combining the *Thiel* and *FedEx* references, the Examiner takes the position that "Thiel discloses that the[] date of the shipment is input into the system and also discloses shipment types for carriers, these shipment types including express mail, priority, etc. FedEx discloses a respective delivery date and a respective delivery time for each service type for the carrier, such as if the current date was 12/12/05, the shipment type 'priority overnight' would give the delivery date of 12/13/05 with the

delivery time of 10:30. Therefore, since Thiel discloses specifying a date of shipment in the system and types of services that include guaranteed times to delivery, it would have been obvious to one of ordinary skill in the art at the time of the invention to include displaying the delivery date and delivery time of the carrier, such as the dates and times set forth in FedEx, in order to increase user satisfaction with shipping items by showing a display containing more comprehensive information about the service types offered by the competing carriers, thus aiding the user in the selection of a proper carrier. [citing Thiel, column 10, lines 55-67, and column 11, lines 45-55.]". *Office Action*, Topic No. 9, p. 8, first full paragraph.

Issue 1e: Rejection of Dependent Claims 19, 20 and 21

In *Office Action* Topic Nos. 15, 16 and 17 (pgs. 9-10), the Examiner takes the position that *Thiel* discloses each of the limitations of dependent Claims 19, 20 and 21 respectively.

ARGUMENT (37 C.F.R. §41.37(c)(1)(vii) heading)

For the reasons described in more detail below, it is respectfully submitted that Claims 1, 4, 7, and 10 and dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23 are non-obvious over *Thiel* and *FedEx*, whether considered alone or in combination with any other reference(s) of record. Accordingly, it is respectfully requested that the rejection of independent Claims 1, 4, 7, and 10 and dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23 under 35 U.S.C. §103(a) be reversed.

Argument Regarding Issue 1:

It is respectfully submitted that there is no disclosure, teaching or suggestion found in the prior art, as required under MPEP §706.02(j), to combine *FedEx* with the *Thiel* reference, or *vice versa*. *See also* MPEP §2143.

Thiel discloses a system, method and device for franking postal matter (applying postage to mail). *Thiel* discloses a comparison and display of shipping costs (*e.g., Thiel*, col. 6, lines 53-55) by multiple carriers based on a user first selecting a type of

shipment (express, air, priority, general, etc.) (*e.g.*, *Thiel*, col. 8, lines 58-66). *Thiel* specifies that "[o]nce the weight and the type of mail and shipment form of the mail have been entered, the postage corresponding to the zones can be found automatically" *Thiel*, col. 9, lines 1-3. However, for the reasons described in more detail below, *Thiel* does not disclose determination or display of any schedule. Further, for the reasons described in more detail below, *Thiel* does not disclose a calculation of shipping costs for each delivery service of each carrier.

The *FedEx* reference amounts to nothing more than a general description of various services offered by FedEx® and rules that FedEx® applies to shipments. For example, *FedEx* lists a number of FedEx® delivery services (delivery services are referred to in *Thiel* as types of shipment, or as type of mail, or as a shipment form of the mail) along with a brief description of each FedEx® delivery service.

For example, *FedEx* describes "FedEx First Overnight®" as providing "[d]elivery of critical shipments by 8a.m. the next business day to 90 major U.S. markets...[a]vailable from any U.S. origin (except Hawaii) to nearly 5,000 U.S. ZIP codes ... [m]aximum weight: 150 lbs." *FedEx*, p. 2.

As another example, *FedEx* describes "FedEx Priority Overnight®" as providing "[d]elivery by 10:30 a.m. the next business day to thousands of U.S. cities; by noon to most other areas; and by 4:30 p.m. to remote locations ... Maximum weight: 150 lbs. ...Up to 119" length, and 165" in length and girth combined ... Pickup and delivery Monday-Saturday". *FedEx*, p. 2.

As a further example, *FedEx* describes "FedEx Standard Overnight®" as providing "[n]ext-business-day delivery by 3 p.m. to thousands of U.S. cities; by 4:30 p.m. to many other areas ... Maximum weight: 150 lbs. ...Up to 119" length, and 165" in length and girth combined ... Pickup and delivery Monday-Friday; only pickup is available on Saturday." *FedEx*, p. 2.

As yet another example, *FedEx* describes "FedEx 2Day®" as providing "[e]conomical option for delivery within 2 business days by 4:30 p.m. to most areas within the U.S.; by 7 p.m. for residential deliveries ... Maximum weight: 150 lbs. ...Up to

119" length, and 165" in length and girth combined ... Pickup and delivery Monday-Saturday". *FedEx*, p. 2.

It is respectfully submitted that there is no disclosure of a determination of a schedule or a calculation of shipping costs for delivery of a particular parcel in the *FedEx* reference.

Further, it is respectfully submitted that there is no disclosure, teaching or suggestion in either *FedEx* or *Thiel* to combine the mere listing and explanation of delivery services in *FedEx* with the postal franking device, system and method of *Thiel*. Yet further, there is no disclosure, teaching or suggestion in *Thiel* to combine the postal franking device, system and method of *Thiel* with a mere listing and explanation of delivery services such as provided in *FedEx*. Accordingly, it is respectfully requested that the rejection of independent Claims 1, 4, 7, and 10 and dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23 under 35 U.S.C. §103(a) be reversed

Moreover, even assuming for the sake of argument that the prior art suggests or otherwise provides a motivation for combining the *FedEx* reference with the *Thiel* reference as required by MPEP §§706.02(j), for the reasons and authorities given below, it is respectfully submitted that neither *Thiel* nor *FedEx* , whether considered alone or in combination with any other reference(s) of record, discloses, anticipates, teaches or suggests all of the limitations of independent Claims 1, 4, 7, or 10, or, of dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23, as required for an obviousness rejection under 35 U.S.C. Section 103(a) and MPEP §§706.02(j). *See also, e.g.*, MPEP §2143.

Argument Regarding Issue 1a: Rejection of Independent Claims 1, 4, and 7, and Dependent Claims 17, 22 and 23 (37 C.F.R. §41.37(c)(1)(vii) subheading)

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, neither *Thiel* nor *FedEx* disclose a cross-comparison delivery schedule as recited in independent Claims 1, 4, and 7. Moreover, neither *Thiel* nor *FedEx* disclose

determin[ing] a cross-comparison delivery schedule as recited in one way or another in independent Claims 1, 4 and 7.

In rejecting independent Claims 1, 4 and 7 of the present application, the Examiner cited, among other things, column 11, lines 1-25 of *Thiel*, which provides a table at Col. 11, lines 1-13 (the "*Thiel* table"), to support the Examiner's findings that *Thiel* discloses, among other things, "... a shipping management computer system... programmed to: in response to each respective request by each particular user of a plurality of users to ship a particular respective parcel, ... determine a respective potential cross-comparison delivery schedule ... comprising a plurality of respective service-specific carrier-specific delivery schedules to ship the particular respective parcel from the first address to the second address ...".

However, nothing in *Thiel*, including the cited *Thiel* table, discloses a system programmed to "... determine a respective potential cross-comparison delivery schedule ... comprising a plurality of respective service-specific, carrier-specific delivery schedules to ship the particular respective parcel from the first address to the second address ... wherein the respective potential cross-comparison delivery schedule comprises a respective delivery date and a respective delivery time for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel ..." as recited by independent Claim 1 (and as similarly recited by independent Claims 4 and 7).

Rather, as compared to a *determination* of a schedule by the *Thiel* system, the cited *Thiel* table is described as a *stored* table (not a schedule *determined* by the system of *Thiel*) of services and fees of various carriers. *Thiel*, col. 10, lines 65-67. Specifically, the cited stored *Thiel* table merely lists, for five (5) different carriers, such shipping features as Destination Zone, Base Charge, Express Delivery, Added [Express Delivery] Charge, Return Receipt, Added [Return Receipt] Charge, Discount for greater than 100 items, Discount for greater than 1000 items, and Discount for greater than 10000 items. *Thiel*, col. 11, lines 1-13. No dates or times are listed.

Further, the listing in the cited stored *Thiel* table of "Express Delivery" as a setting for each of five carriers, does not constitute a determination of a cross-comparison delivery schedule. That is because, depending on each carrier's rules, the mere listing of an offering of a delivery service, such as an Express Delivery service, does not necessarily demonstrate any particular date for delivery. For example, if a shipment is initiated on a Friday, a weekend, or a day preceding a holiday, depending on a given carrier's rules regarding Saturday, Sunday, or holiday delivery, the shipment may, or may not, be delivered by an Express Service on the day following the date on which the shipment was initiated.

To ascertain the meaning of the term "delivery schedule" as it is used in the Claims, we may consider the specification of the present patent application. *See, e.g., Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979, 34 U.S.P.Q.2D (BNA) 1321, 1329 (Fed. Cir. 1995) (*in banc*), *aff'd*, 517 U.S. 370 (1996) ("To ascertain the meaning of claims, we consider three sources: The claims, the specification, and the prosecution history." (citations omitted)).

The specification of the present patent application explains that the term "delivery schedule" as used in the Claims pertains to a schedule determined according to, among other things, each Carrier's delivery schedule rules as applied to a particular parcel's specifications and an origin and a destination zip code. *See, e.g., Specification*, p. 2, lines 19-26.

In particular, the specification of the present patent application explains that one of the problems that a Shipper may encounter in dealing with standalone Carrier systems is that the Shipper may need to attempt to apply each Carrier's delivery schedule rules to a particular parcel in order to compare rates for various potential delivery schedules of the parcel. *See Specification*, p. 2, lines 19-21. The specification further explains that each Carrier's delivery schedule rules and associated pricing rules may need to be separately applied by the Shipper to a particular parcel's specifications and an origin and a destination zip code in order to preview each Carrier's potential delivery schedule and rates for shipping a particular parcel. *See Specification*, p. 2, lines 21-24. As explained in the specification of the present application, some way was

needed so that a Shipper could compare each Carrier's various possible delivery schedules and associated charges for shipping a particular parcel. *See Specification*, p. 2, lines 24-26.

In light of the above-explained meaning of the claimed term "delivery schedule", a disclosure by a reference of an indication of a service that does not include at least a date or a time of expected delivery does not disclose a "delivery schedule." Therefore, the Examiner's agreement that "...*Thiel* does not expressly disclose that the delivery schedule comprises a respective delivery date and a respective delivery time..." (*Office Action*, Topic No. 4, p. 3, first full paragraph) indicates that the Examiner's findings that *Thiel* "... discloses ... determin[ing] a ... delivery schedule" are not supported.

As compared to determining a "... cross-comparison delivery schedule [that] comprises a respective delivery date and a respective delivery time *for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel...*", as claimed in one way or another by independent Claims 1, 4 and 7, *Thiel* explains that the stored *Thiel* table is used to perform a mask search *after* the user has already "defined the required services":

> The user of the franking machine first defines the required services. This is done by entering the date with regard to the ship-to zone (the destination zone) and the desired additional services such as express delivery (E), return receipt (R), etc. ... In a first selection process, a mask (a first step selection) searches the carriers which offer the desired services.

Thiel, col. 11, lines 15-23. *Thiel* uses the settings in the cited stored *Thiel* table to calculate shipping costs for the carriers that would offer the desired services and perform a "fee optimization" to determine the best price. *Thiel*, col. 11, lines 15-30.

Further still, a stored table such as the stored *Thiel* table, is not determined "... in response to each respective request by each respective particular user of a plurality of users to ship a particular respective parcel, wherein each respective request comprises a first address and a second address ..." as recited by independent Claims 1, 4 and 7.

Combining *FedEx* with *Thiel* still does not provide a system with the limitations recited by independent Claims 1, 4 and 7.

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At first blush, *FedEx* may appear to identify times for delivery. However, on close inspection, *FedEx* explains that different delivery times apply depending on the shipping particulars for shipping a particular parcel. For example, *FedEx* explains that "FedEx First Overnight®" is for providing "[d]elivery of critical shipments by 8 a.m. the next business day to 90 major U.S. markets...[a]vailable from any U.S. origin (except Hawaii) to nearly 5,000 U.S. ZIP codes ...." *FedEx*, p. 2. That is, if a particular parcel is to be delivered to a ZIP code that is not one of the "nearly 5,000 ZIP codes" for which the FedEx First Overnight® service is provided, then delivery may not occur by 8 a.m. the next business day.

That is, in order for a *FedEx* user to determine whether a parcel to be shipped using FedEx First Overnight® would result in delivery by 8 a.m. the next business day, the user would need to look up the ZIP code of the destination address to which the parcel was to be shipped in order to determine whether the destination address ZIP code was one of the "nearly 5,000 ZIP codes" for which the FedEx First Overnight® service is provided.

The above-described steps that a *FedEx* user would have to take to determine the delivery time of a parcel to be shipped, *e.g.*, using FedEx First Overnight® are evidence that *FedEx* does not disclose the above-cited limitations of independent Claims 1, 4 and 7.

Similarly, "FedEx Priority Overnight®" is described as providing "[d]elivery by 10:30 a.m. the next business day to thousands of U.S. cities; by noon to most other areas; and by 4:30 p.m. to remote locations ... ". *FedEx*, p. 2. That is, depending on the delivery address, sending a parcel by FedEx Priority Overnight® may result in the delivery of the parcel by 10:30 a.m., by noon, or by 4:30 p.m., the next business day.

That is, in order for a *FedEx* user to determine whether a parcel to be shipped using FedEx Priority Overnight® would result in delivery by 10:30 a.m., noon, or 4:30 p.m. the next business day, the user would need to look up the ZIP code of the destination address to which the parcel was to be shipped in order to determine whether the destination address ZIP code was one of the ZIP codes for which the FedEx Priority

Overnight® service is provided by 10:30 a.m. the next business day, or by noon the next business day, or by 4:30 p.m. the next business day.

The above-described steps that a *FedEx* user would have to take to determine the delivery time of a parcel to be shipped, *e.g.*, using FedEx Priority Overnight®, are evidence that *FedEx* does not disclose the above-cited limitations of independent Claims 1, 4 and 7.

In overview, *FedEx* may also seem to provide an indication of delivery scheduling. However, on close inspection, *FedEx* discloses that delivery scheduling will be dependent on shipping particulars. That is, the information provided in *FedEx* is general information and is not provided "... in response to each respective request by each respective particular user of a plurality of users to ship a particular respective parcel, wherein each respective request comprises a first address and a second address ...", as recited in independent Claims 1, 4 and 7. For example, "FedEx Standard Overnight®" is described as providing "[n]ext-business-day delivery by 3 p.m. to thousands of U.S. cities; by 4:30 p.m. to many other areas ... Pickup and delivery Monday-Friday; only pickup is available on Saturday." *FedEx*, p. 2. That is, if a parcel is shipped on a Friday using FedEx Standard Overnight®, because only pickup is available on Saturday and delivery on Saturday is not available for that service, the parcel would not be delivered until the following Monday, or if the following Monday were a holiday, by the following Tuesday.

Further, as compared to the above-cited limitations recited by Claims 1, 4 and 7, in order for a delivery *date* to be determined, a user of *FedEx* would need to consult a calendar (mentally or visually) to determine the delivery date on which a parcel shipped via, e.g., FedEx Standard Overnight® should be delivered. For example, if the user was shipping a package on, *e.g.,* a Friday, the user would need to identify the date of the following Monday, or if the following Monday were a holiday, the following Tuesday.

Yet further, as compared to the above-cited limitations recited by Claims 1, 4 and 7, in order for a delivery date to be determined, a user of *FedEx* , may, depending on the circumstances, need to consult a clock to determine the date of expected delivery of a parcel to be sent by FedEx Standard Overnight®. For example, if the user was

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shipping the package after a particular cut-off time, the package may not be delivered the following day -- that is, the package may be delivered two days after the shipment date.

The above-described steps that a _FedEx_ user would have to take to determine the delivery date and time of a parcel to be shipped, _e.g._, using FedEx Standard Overnight® are further evidence that _FedEx_ does not disclose the above-cited limitations of independent Claims 1, 4 and 7.

Further still, if a user of _FedEx_ wanted to compare, across various FedEx® services, scheduled delivery of a particular parcel that the user wanted to ship, the user would need to determine a delivery date and time for each FedEx® service to be compared. For example, if a user of _FedEx_ wanted to compare scheduled delivery of a parcel to be shipped on a Friday using FedEx Standard Overnight® and FedEx 2Day®, the user would need to determine a delivery date and possible time(s) for each of the FedEx Standard Overnight® and FedEx 2Day® services.

In the case of FedEx Standard Overnight®, according to _FedEx_, Saturday delivery is not provided. Therefore, a parcel shipped on a Friday using FedEx Standard Overnight® would not be scheduled for delivery the following day, Saturday. Further, according to _FedEx_, a parcel shipped on Friday using FedEx Standard Overnight® would not be delivered on the following Sunday, because _FedEx_ states that FedEx Standard Overnight® provides "pickup and delivery Monday-Friday; only pickup is available on Saturday." It therefore appears from _FedEx_ that a parcel shipped on a Friday using FedEx Standard Overnight® would not be scheduled for delivery until the following Monday, assuming that the following Monday was not a holiday. Further, although _FedEx_ describes that, depending on the destination city, the parcel would be delivered by either 3 p.m. or by 4:30 p.m., there is no way evident in _FedEx_ for determining which of the two potential delivery times (either 3 p.m. or 4:30 p.m.) would apply for delivery of a parcel using FedEx Standard Overnight® to a particular destination city.

In order to compare scheduled delivery of a parcel to be shipped on a Friday using FedEx Standard Overnight® and FedEx 2Day®, the user would also need to

determine a delivery date and possible time(s) for the FedEx 2Day® service. _FedEx_ describes FedEx 2Day® (which is a less-costly service than FedEx Standard Overnight®) as providing delivery within 2 business days, and says that there is "pickup and delivery Monday-Saturday." Therefore, it appears from _FedEx_ that a parcel shipped on a Friday using FedEx 2Day® may also be delivered on the following Monday (assuming that the following Monday was not a holiday). As with FedEx Standard Overnight®, two possible delivery times are mentioned in _FedEx_ for parcels shipped using FedEx 2Day® -- by 4:30 pm to _most areas_ within the U.S.; by 7 p.m. for residential deliveries. There is no way evident in _FedEx_ for determining which of the two potential delivery times (either 4:30p.m. or 7 p.m.) would apply for delivery of a parcel using FedEx 2Day® to a non-residence in a particular destination city within the U.S.

The above-described steps that a _FedEx_ user would have to take to determine a cross-comparison delivery date for a parcel using only a single carrier, _e.g.,_ FedEx®, is yet further evidence that _FedEx_ does not disclose the above-cited limitations of independent Claims 1, 4 and 7. Still further, even if the user took the above-described steps to determine a cross-comparison of delivery dates, the above-described absence of delivery times from the cross-comparison determined by the user is yet further evidence that _FedEx_ does not disclose the above-cited limitations of independent Claims 1, 4 and 7.

Further, although _Thiel_ does mention a network, contrary to the Examiner's grounds for rejecting independent Claims 1, 4 and 7, _Thiel_ does not disclose that "... the shipping management computer system is accessed by each respective particular user via a communications network using a respective user client computer device ...". Rather, _Thiel_ discloses that the postal franking system of _Thiel_ is resident on a franking device 1. _See, e.g., Thiel_, col. 5, line 62 – col. 6, line12. The _Thiel_ franking device 1 has a receiver for downloading data tables (e.g., associated with respective shipping carriers) from a transmission means. _See, e.g., Thiel_, col. 6, lines 4-6. _Thiel's_ FIG. 4, referred to in the citation by the Examiner to _Thiel_ at col. 10, lines 15-35 as supporting disclosure of the above-cited communications network limitation of Claims 1, 4 and 7, is

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explained in *Thiel* to relate to a variant transmission means. *Thiel*, col. 10, lines 14-18. That is, the network disclosed in *Thiel* is used as a transmission means for downloading data tables to the *Thiel* postal franking system that is resident on the *Thiel* franking device.

For the above-given reasons and authorities, it is respectfully submitted that the cited *Thiel* and *FedEx* references do not disclose, anticipate, teach or suggest, even when combined, all of the limitations recited by independent Claims 1, 4 and 7, and by virtue of their dependency on independent Claims 1, 4, and 7, dependent Claims 2, 3, 5, 6, 8, 9, 15, 16, 17, 22 and 23. Accordingly, it is respectfully requested that the rejection of Claims 1, 4 and 7 and dependent Claims 2, 3, 5, 6, 8, 9, 15, 16, 17, 22 and 23 be reversed.

Argument Regarding Issue 1b: Rejection of Dependent Claims 2, 5, 8, and 15 (37 C.F.R. §41.37(c)(1)(vii) subheading)

It is respectfully submitted that there are additional grounds for reversing the rejection of dependent Claims 2, 5, 8 and 15 as described further below.

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, contrary to the Examiner's grounds for rejecting dependent Claims 2, 5, 8, and 15, neither *Thiel* nor *FedEx* disclose "calculat[ing] a respective shipping rate for each said respective particular delivery service [of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel] to ship the particular respective parcel according to the respective service-specific, carrier-specific delivery schedule" as recited by dependent Claims 2, 5, and 8 in view of their dependency on Claims 1, 4 and 7 respectively.

Further, neither *Thiel* nor *FedEx* disclose "calculat[ing] a respective shipping rate for each respective particular delivery service of the plurality of services offered by each respective particular carrier of the plurality of carriers for delivering the particular respective parcel" as recited by Claim 15.

Rather, _Thiel_ explains that the stored _Thiel_ table is used to perform a mask search *after* the user has already "defined the required services":

> The user of the franking machine first defines the required services. This is done by entering the date with regard to the ship-to zone (the destination zone) and the desired additional services such as express delivery (E), return receipt (R), etc. ... In a first selection process, a mask (a first step selection) searches the carriers which offer the desired services.

Thiel, col. 11, lines 15-23. That is, only after the user has selected the desired services, such as, *e.g.,* Express Delivery, will _Thiel_ use the settings in the cited stored _Thiel_ table to calculate shipping costs for the carriers that would offer the desired services. See, e.g., _Thiel_, col. 11, lines 15-30.

Therefore, in order for a user of _Thiel_ to obtain a shipping fee calculation for each service offered by each carrier to deliver a parcel, the user of _Thiel_ would have to select a first desired delivery service, such as, e.g., Express Delivery, and instruct the _Thiel_ system to calculate rates for that first desired delivery service across all of the _Thiel_-served carriers. The _Thiel_ user would then have to select a second desired delivery service, such as, _e.g._, delivery without Express Delivery, and instruct the _Thiel_ system to calculate rates for that second desired delivery service across all of the _Thiel_-served carriers.

The above-described steps that a _Thiel_ user would have to take to obtain a shipping fee calculation for each service offered by each carrier of a plurality of carriers to deliver a parcel is evidence that _Thiel_ does not disclose the above-described limitations of dependent Claims 2, 5, 8, and 15.

Further, _FedEx_ does not show any calculation of shipping fees for shipping a particular parcel.

For the above-given reasons, it is respectfully submitted that the cited _Thiel_ and _FedEx_ references do not disclose, anticipate, teach or suggest, even when combined, all of the limitations recited by dependent Claims 2, 5, 8 and 15. Accordingly, it is respectfully requested that the rejection of dependent Claims 2, 5, 8, and 15 be reversed.

Argument Regarding Issue 1c: Rejection of Dependent Claims 3, 6, 9, and 16 (37 C.F.R. §41.37(c)(1)(vii) subheading)

It is respectfully submitted that there are additional grounds for reversing the rejection of dependent Claims 3, 6, 9 and 16 as described further below.

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, although *Thiel* does disclose displaying shipping costs (*see, e.g., Thiel*, col. 6, lines 52-55), *Thiel* does not disclose, anticipate, teach or suggest "...generat[ing] a display of an online interactive prompt ... comprising a simultaneous cross-comparison of said respective shipping rates ..." because, for the reasons previously given above, *Thiel* does not disclose the above-described limitations of dependent Claims 2, 5, 8 and 15 of calculating a shipping rate for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel to ship a particular respective parcel according to the respective service-specific, carrier-specific delivery schedule.

Further, *FedEx* does not disclose any calculation or display of shipping rates.

For the above-given reasons and authorities, it is respectfully submitted that the cited *Thiel* and *FedEx* references do not disclose, anticipate, teach or suggest, even when combined, all of the limitations recited by dependent Claims 3, 6, 9 and 16. Accordingly, it is respectfully requested that the rejection of dependent Claims 3, 6, 9 and 16 be reversed.

Argument Regarding Issue 1d: Rejection of Independent Claim 10 and by virtue of their dependency on Claim 10, Dependent Claims 11, 12, 13, 19, 20 and 21 (37 C.F.R. §41.37(c)(1)(vii) subheading)

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, for reasons and authorities similar to those described above regarding Claims 1, 4, and 7, neither *Thiel* nor *FedEx*, whether considered alone or in combination with any

other reference(s) of record, discloses, anticipates, teaches or suggests all of the limitations of independent Claim 10. Specifically, independent Claim 10 recites "... determining a first set of delivery schedules ...[for a] first carrier ... each one of said first set of delivery schedules ... comprising a delivery date and a delivery time ...determining a second set of delivery schedules ... [for a] second carrier ... each one of said second set of delivery schedules ... comprising a delivery date and a delivery time ... displaying to the user said first set of delivery schedules ... and ... simultaneously displaying to the user said second set of delivery schedules...".

For the reasons and authorities given above with respect to Claims 1, 4 and 7, neither *Thiel* nor *FedEx* disclose determining delivery schedules and do not disclose determining delivery schedules comprising delivery dates and times, as claimed in independent Claim 10.

Further, for the reasons given above, neither *Thiel* nor *FedEx* disclose displaying any delivery schedules as claimed in independent Claim 10.

For the above-given reasons, it is respectfully submitted that the cited *Thiel* and *FedEx* references do not disclose, anticipate, teach or suggest, even when combined, all of the limitations recited by independent Claim 10. Further, by virtue of their dependency on the limitations of independent Claim 10, it is respectfully submitted that the cited *Thiel* and *FedEx* references do not disclose, anticipate, teach or suggest, even when combined, all of the limitations recited by dependent Claims 11, 12, 13, 19, 20 and 21.

Accordingly, it is respectfully requested that the rejection of independent Claim 10 be reversed. Further, by virtue of their dependency on Claim 10, it is respectfully requested that the rejection of dependent Claims 11, 12, 13, 19, 20 and 21 be reversed.

Argument Regarding Issue 1e: Rejection of Dependent Claims 19, 20 and 21 (37 C.F.R. §41.37(c)(1)(vii) subheading)

It is respectfully submitted that there are additional grounds for reversing the rejection of dependent Claims 19, 20 and 21 as described further below.

As compared to the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as those requirements are explained in MPEP §§706.02(j) and MPEP §2143, similar to the reasons and authorities previously given above with respect to independent Claims 1, 4 and 7, *Thiel* does not disclose the limitations of dependent Claims 19, 20 and 21 which recite delivery schedules for first and second shipment types for a first and second carrier. More specifically, *Thiel* explains that the stored *Thiel* table is used to perform a mask search *after* the user has already "defined the required services":

> The user of the franking machine first defines the required services. This is done by entering the date with regard to the ship-to zone (the destination zone) and the desired additional services such as express delivery (E), return receipt (R), etc. ... In a first selection process, a mask (a first step selection) searches the carriers which offer the desired services.

Thiel, col. 11, lines 15-23. *Thiel* uses the settings in the cited stored *Thiel* table to calculate shipping costs for the carriers that would offer the desired services and perform a "fee optimization" to determine the best price. *Thiel*, col. 11, lines 15-30. That is, only after the user has selected the desired services, such as, *e.g.*, a shipment type of Express Delivery, will *Thiel* use the settings in the cited stored *Thiel* table to calculate shipping costs for the carriers that would offer the desired services. See, e.g., *Thiel*, col. 11, lines 15-30.

For the above-given reasons, it is respectfully submitted that the cited *Thiel* reference does not disclose, anticipate, teach or suggest, even when combined with any other reference of record, all of the limitations recited by dependent Claims 19, 20 and 21. Accordingly, it is respectfully requested that the rejection of dependent Claims 19, 20 and 21 be reversed.

Issue 1 Conclusion

For the reasons described above, it is respectfully submitted that there is no disclosure, teaching or suggestion found in the prior art, as required under MPEP §706.02(j) and MPEP §2143, to combine *FedEx* with *Thiel*, or *vice versa*. Therefore, it

is respectfully requested that the rejection of independent Claims 1, 4, 7, and 10 and dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23 be reversed.

Moreover, because, for the foregoing reasons and authorities, neither *Thiel* nor *FedEx*, whether considered alone or in combination with any other reference(s) of record, anticipate, disclose, teach or suggest all of the limitations of independent Claims 1, 4, 7, and 10, or of dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23 of the present application, it is respectfully submitted that: 1.) the obviousness rejection of the Claims failed to comply with the requirements for an obviousness rejection under 35 U.S.C. Section 103(a), as explained in MPEP §§706.02(j) and MPEP §2143; 2.) Claims 1, 4, 7, and 10 and dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23 are non-obvious in view of *Thiel* and *FedEx*, whether considered alone or in combination with any other reference(s) of record; and 3.) the invention disclosed and claimed in the present application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, it is respectfully requested that the rejection of independent Claims 1, 4, 7, and 10, and dependent Claims 2-3, 5-6, 8-9, 11-13, 15-17, and 19-23, be reversed.

Respectfully submitted,

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By _____
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626/796-2856

CLAIMS APPENDIX (37 C.F.R. §41.37(c)(1)(viii) heading)

(Double-Spaced as required by MPEP §1205.02)

THE CLAIMS ON APPEAL ARE THE PENDING CLAIMS AFTER THE AMENDMENT AND RESPONSE FILED 10/06/05 IN RESPONSE TO OFFICE ACTION DATED 07/06/05, AND ARE AS FOLLOWS:

1.   A shipping management computer system, said computer system programmed to:

in response to each respective request by each respective particular user of a plurality of users to ship a particular respective parcel, wherein each respective request comprises a first address and a second address, determine a respective potential cross-comparison delivery schedule, said respective cross-comparison delivery schedule comprising a plurality of respective service-specific, carrier-specific delivery schedules to ship the particular respective parcel from the first address to the second address, wherein each respective service-specific, carrier-specific delivery schedule corresponds to a respective particular delivery service of a plurality of delivery services offered by a respective particular carrier of a plurality of carriers, wherein the respective potential cross-comparison delivery schedule comprises a respective delivery date and a respective delivery time for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel, and wherein the shipping management computer system is accessed by each respective particular user via a communications network using a respective user client computer device.

2.   The shipping management computer system of Claim 1, said computer system

further programmed to:

calculate a respective shipping rate for each said respective particular delivery service to ship the particular respective parcel according to the respective service-specific, carrier-specific delivery schedule.

3. The shipping management computer system of Claim 2, said computer system further programmed to:

in response to a user request by a respective particular user for a shipping rate and delivery schedule comparison, generate a display of an online interactive prompt to a display monitor configured with the respective user client computer device of the respective particular user, said online interactive prompt comprising a simultaneous cross-comparison of said respective shipping rates, the display of each respective shipping rate corresponding to a display of the respective service-specific, carrier-specific delivery schedule for the respective particular delivery service to ship the particular respective parcel.

4. A method using a computer system for managing shipping of a plurality of parcels shipped by any one of a plurality of carriers, the method comprising:

in response to each respective delivery schedule information request by each respective particular user of a plurality of users, wherein each respective delivery schedule information request comprises at least a respective first postal code and a respective second postal code, determine a respective potential cross-comparison delivery schedule, said respective cross-comparison delivery schedule comprising a

plurality of respective service-specific, carrier-specific delivery schedules for a respective shipment from the respective first postal code to the respective second postal code, wherein each respective service-specific, carrier specific delivery schedule corresponds to a particular delivery service of a plurality of services offered by each carrier of a plurality of carriers, wherein the respective potential cross-comparison delivery schedule comprises a respective delivery date and a respective delivery time for each respective particular delivery service of the plurality of delivery services offered by each respective particular carrier of the plurality of carriers that would deliver the particular respective parcel, and wherein the computer system is accessed by each respective particular user via a communications network using a respective user client computer device.

5.   The method of Claim 4, said method further comprising:

calculating a respective shipping rate for the respective shipment by each said particular delivery service from the respective first postal code to the respective second postal code, according to the respective service-specific, carrier-specific delivery schedule.

6.   The method of Claim 5, said method further comprising:

in response to a user request by a respective particular user for a shipping rate and delivery schedule comparison, generate a display of an online interactive prompt to a display monitor configured with the respective user client computer device of the respective particular user, said online interactive prompt comprising a simultaneous

cross-comparison of said respective shipping rates, the display of each respective

shipping rate corresponding to a display of the respective service-specific, carrier-

specific delivery schedule for the respective shipment from the respective first postal

code to the respective second postal code.

7.   A computer program product embodying computer program instructions for

execution by a computer system for managing shipping of a plurality of parcels shipped

by any one of a plurality of carriers, the computer program product comprising:

a set of program instructions for determining, in response-to each respective

delivery schedule information request by each respective particular user of a plurality of

users, wherein each respective delivery schedule information request comprises at least

a respective first postal code and a respective second postal code, a respective

potential cross-comparison delivery schedule, said respective cross-comparison

delivery schedule comprising a plurality of respective service-specific, carrier-specific

delivery schedules for a respective shipment from the respective first postal code to the

respective second postal code, wherein each respective service-specific, carrier-specific

delivery schedule corresponds to a particular delivery service of a plurality of services

offered by a particular carrier of a plurality of carriers, wherein the respective potential

cross-comparison delivery schedule comprises a respective delivery date and a

respective delivery time for each respective particular delivery service of the plurality of

delivery services offered by each respective particular carrier of the plurality of carriers

that would deliver the particular respective parcel, and wherein the computer system is

accessed by each respective particular user via a communications network using a respective user client computer device.

8.   The computer program product of Claim 7, said computer program product further comprising:

a set of program instructions for calculating a respective shipping rate for the respective shipment by each said particular delivery service from the respective first postal code to the respective second postal code according to the respective service-specific carrier-specific, delivery schedule.

9.   The computer program product of Claim 8, said computer program product further comprising:

a set of program instructions for generating, in response to a user request by a respective particular user for a shipping rate and delivery schedule comparison, a display of an online interactive prompt to a display monitor configured with the respective user client computer device of the respective particular user, said online interactive prompt comprising a simultaneous cross-comparison of said respective shipping rates, the display of each respective shipping rate corresponding to a display of the respective service-specific carrier-specific delivery schedule for the respective shipment from the respective first postal code to the respective second postal code.

10.   A shipping management computer system configured for:

allowing a user to request a package delivery service by providing shipping specifications;

receiving said shipping specifications from said user;

identifying, from a plurality of carriers, a subset of carriers based on said shipping specifications, each of said subset of carriers being capable of satisfying said shipping specifications by providing said package delivery service to said user;

identifying a first carrier from said subset of carriers and a first set of shipment types provided by said first carrier;

determining a first set of delivery schedules according to which said first carrier would be able to satisfy said shipping specifications, each one of said first set of delivery schedules corresponding to at least one of said first set of shipment types and comprising a delivery date and a delivery time;

calculating a first set of service charges by said first carrier, each one of said first set of service charges calculated based upon at least one of said first set of shipment types provided by said first carrier;

identifying a second carrier from said subset of carriers and a second set of shipment types provided by said second carrier;

determining a second set of delivery schedules that said second carrier is capable of providing to said user, each one of said second set of delivery schedules corresponding to at least one of said second set of shipment types and comprising a delivery date and a delivery time;

calculating a second set of service charges by said second carrier, each one of said second set of service charges calculated based upon at least one of said second set of shipment types provided by said second carrier;

displaying to the user said first set of delivery schedules, said first set of service charges, and said first set of shipment types; and

simultaneously displaying to the user said second set of delivery schedules, said second set of service charges, and said second set of shipment types.

11.   The shipping management computer system of Claim 10, wherein said shipping specifications comprise a package weight, a package size, an origin and a destination.

12.   The shipping management computer system of Claim 11, wherein said shipping specifications further comprise a shipping date.

13.   The shipping management computer system of Claim 10, wherein said first set of shipment types comprise ground shipment, next-day-air shipment and express shipment.

14.   (Cancelled).

15.   The shipping management computer system of Claim 1, said computer system further programmed to:

calculate a respective shipping rate for each respective particular delivery service

of the plurality of services offered by each respective particular carrier of the plurality of

carriers for delivering the particular respective parcel.

16.   The shipping management computer system of Claim 15, said computer system

further programmed to:

in response to a user request by a respective particular user for a shipping rate

and delivery schedule comparison, generate a display of an online interactive prompt to

a display monitor configured with the respective user client computer device of the

respective particular user, said online interactive prompt comprising a simultaneous

cross-comparison of said respective shipping rates for the plurality of services offered

by the plurality of carriers for delivering the particular respective parcel, the display of

each respective shipping rate corresponding to the respective delivery date and the

respective delivery time associated with the respective particular delivery service

offered by the respective particular carrier to deliver the particular respective parcel.

17.   The shipping management computer system of Claim 1, wherein each respective

service-specific, carrier-specific delivery schedule corresponds to a schedule by which a

particular delivery service offered by a particular carrier would deliver the particular

respective parcel.

18.   (Cancelled).

19.   The shipping management computer system of Claim 10, wherein said first set of

delivery schedules comprises:

a delivery schedule according to which said first carrier would be able to satisfy

said shipping specifications via a first shipment type; and

a delivery schedule according to which said first carrier would be able to satisfy

said shipping specifications via a second shipment type, said second shipment type

being different from said first shipment type.

20.   The shipping management computer system of Claim 19, wherein said second

set of delivery schedules comprises:

a delivery schedule according to which said second carrier would be able to

satisfy said shipping specifications via said first shipment type.

21.   The shipping management computer system of Claim 20, wherein said second

set of delivery schedules further comprises:

a delivery schedule according to which said second carrier would be able to

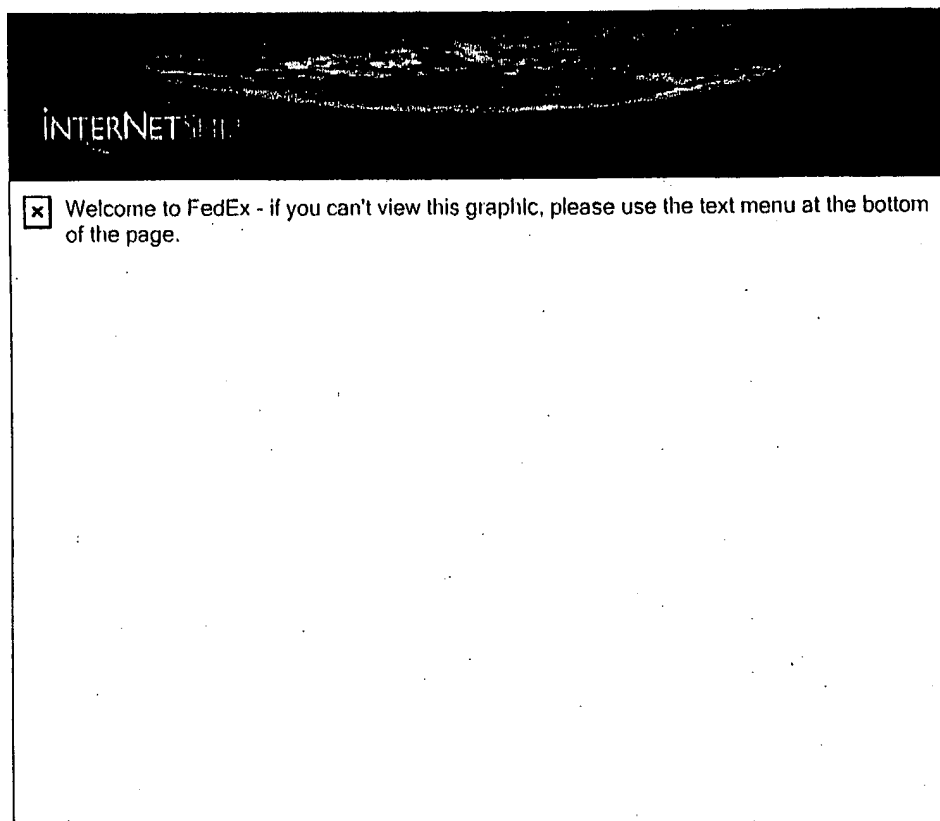satisfy said shipping specifications via said second shipment type.

22.   The shipping management computer system of Claim 1, wherein said respective

delivery date and respective delivery time correspond, respectively, to a date and time.

23.   The method of Claim 4, wherein said respective delivery date and respective

delivery time correspond, respectively, to a date and time.

EVIDENCE APPENDIX (37 C.F.R. §41.37(c)(1)(ix) heading)

A copy of Thiel (U.S. Patent No. 5,699,258; "*Thiel*") is attached hereto. *Thiel* was first relied on by the Examiner as a basis for rejection in the Office Action, dated July 6, 2005.

A copy of FedEx (www.fedex.com; "*FedEx*") is attached hereto. *FedEx* was first relied on by the Examiner as a basis for rejection in the Office Action, dated December 20, 2005

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12/12/05

FedEx. ®

FedEx® Services

FedEx Delivery Services Within the United States

For specific time-definite service commitments, please call FedEx Customer Service at 1-800-Go-FedEx (800-463-3339). All U.S. services are backed by two Money-Back Guarantees*.

FedEx SameDay®
Urgent shipments can arrive within the U.S. the same day you call, 7 days a week, 365 days a year, depending on availability. Call 1-800-Go-FedEx (800-463-3339) to book your shipment. A courier will bring you an airbill to complete.
- Maximum weight: 70 lbs.
- Up to 48" in length, 90" in length and girth combined

FedEx First Overnight®
Delivery of critical shipments by 8 a.m. the next business day to 90 major U.S. markets.
- Available from any U.S. origin (except Hawaii) to nearly 5,000 U.S. ZIP codes
- Maximum weight: 150 lbs.

FedEx Priority Overnight®
Delivery by 10:30 a.m. the next business day to thousands of U.S. cities; by noon to most other areas; and by 4:30 p.m. to remote locations
- Maximum weight: 150 lbs.
- Up to 119" length, and 165" in length and girth combined
- Pickup and delivery Monday-Saturday

FedEx Standard Overnight®
Next-business-day delivery by 3 p.m. to thousands of U.S. cities; by 4:30 p.m. to many other areas
- Maximum weight: 150 lbs.
- Up to 119" length, and 165" in length and girth combined
- Pickup and delivery Monday-Friday; only pickup is available on Saturday

FedEx 2Day®
Economical option for delivery within 2 business days by 4:30 p.m. to most areas within the U.S.; by 7 p.m. for residential deliveries
- Maximum weight: 150 lbs.
- Up to 119" length, and 165" in length and girth combined
- Pickup and delivery Monday-Saturday

③

FedEx Express Saver®
New service provides cost-effective delivery in 3 business days by 4:30 p.m. within the continental U.S. (For residential destinations, shipments are delivered by 7 p.m., a $1 special handling fee may apply, and we may not obtain a signature.)
- Maximum weight: 150 lbs.
- Up to 119" length, and 165" in length and girth combined
- Pickup and delivery Monday-Friday; only pickup is available on Saturday

FedEx U.S. Domestic Freight Services

FedEx Overnight Freight®
Delivery of heavy freight by noon the next business day to most areas of the U.S., and by 4:30 p.m. to most remaining areas, excluding Hawaii.
- Maximum weight: 151-1,500 lbs. per piece
- Single pieces up to 119" length, 70" height, and 300" in length and girth combined
- Reserve space at (800) 332-0807

FedEx 2Day Freight®
Economical delivery of heavy freight by 4:30 p.m. in 2 business days to most areas of the U.S., including Alaska and Hawaii.
- Maximum weight: 151-1,500 lbs. per piece
- Single pieces up to 119" length, 70" height, and 300" in length and girth combined
- No reservation required

FedEx Express Saver® Freight
Cost-effective delivery for palletized freight, generally in 1, 2 or 3 business days** to most areas of the continental U.S.
- Maximum weight: 151-2,000 lbs. per piece (unlimited total shipment weight)
- Single pieces up to 48" x 48" x 70"
- No reservation required

** Delivery generally in 1 business day for shipments moving up to 150 miles; generally in 2 business days for shipments moving 151-1,000 miles; and generally in 3 business days for shipments moving over 1,000 miles.

FedEx U.S. Export Services

For specific service commitments, please call FedEx International Customer Service at (800) 247-4747.

FedEx International First(SM)
Gives you delivery as early as 8 a.m. here and abroad.
- Inbound delivery by 8 a.m. to nearly 5,000 U.S. ZIP codes from 17 international origin countries and Puerto Rico in 1 or 2 business days

- Outbound delivery from the U.S. to six European commercial centers by 8 a.m. in 2 business days
- Pieces up to 150 lbs., 108" in length, 130" in length and girth combined

FedEx International Priority®

Reach more than 210 countries with time-definite, customs-cleared, door-to-door delivery.
- Delivery typically in 1, 2 or 3 business days
- U.S.-to-Europe delivery standard is by 10:30 a.m. or noon in 2 business days to dozens of cities
- Delivery overnight to many U.S. cities from major cities in Europe, Canada, Mexico and South America
- Extensive service to, from, and within Asia
- Pieces up to 150 lbs., 108" in length, 130" in length and girth combined

FedEx International Economy(SM)

Newly expanded, cost-effective deferred service between the U.S. and key regions of the world.
- Available from the U.S. to Europe, Asia, Latin America, the Middle East and Canada, and from certain offshore origins to the U.S.
- Door-to-door, customs-cleared delivery weekdays in 4 to 5 business days (2 to 3 business days for Canada shipments)
- Pieces up to 150 lbs., 108" in length, 130" in length and girth combined
- Money-Back Guarantee* available for Canada and Puerto Rico shipments only

FedEx International Priority DirectDistribution(SM)

Moves U.S.-inbound bulk shipments fast, with the ease of processing a single shipment.
- Shipment clears customs as a single unit on a single air waybill
- Individual pieces then are delivered door-to-door to multiple U.S. addresses
- Delivery typically in 2 to 4 business days

FedEx International Priority Plus®

Connects New York City customers to major business centers.
- Overnight delivery from New York City to areas of Europe and South America
- Pieces up to 70 lbs., 48" length, and 90" in length and girth combined

FedEx International Broker Select®

Flexibility to use your own broker to clear your FedEx International Priority shipment.
- Available to more than 121 countries
- FedEx tenders shipment to your broker, then can resume delivery to final destination
- Just mark this option on air waybill and give broker's address

FedEx International MailService®

- Fast, economical alternative to post office for moving international bulk mail (invoices, annual reports, magazines, catalogs, etc.)
- You save time because we pick up your mail, then stamp and sort it
- Mail is rushed to foreign postal authority for final delivery
- Two delivery options: 4-7 international business days, or 7-11 international business days

FedEx U.S. Export Freight Services

FedEx International Priority® Freight
Gives heavy freight the same speed and reliability as small packages.
- Delivery typically in 1, 2 or 3 business days to major U.S. export destinations
- Single pieces 151-1,500 lbs.; eligible shipments have at least one piece that's 151 lbs. or more, including multi-package shrink-wrapped shipments
- Book and confirm shipment at (800) 332-0807
- Pieces up to 70" height, 119" length, and 300" in length plus girth except for Indonesia, Thailand and most intra-Asian shipments; call us for details

FedEx International Express Freight®
Quick and efficient solution for committed freight delivery.
- Time-definite, airport-to-airport delivery typically in 1, 2 or 3 business days
- Pieces over 1,500 lbs. and 54" x 54" x 78" require advance approval
- Space is booked and confirmed in advance

FedEx International Airport-to-Airport(SM)
Cost-effective service for deferred shipments.
- Shipments move on a space-available basis
- Delivery typically in 2 to 4 business days
- Nearly all sizes and weights are accepted

FedEx® Air Charter
FedEx can charter its own aircraft to help with your U.S. and international shipping challenges.
- FedEx provides the plane and crew; you choose the time and route
- Ship any acceptable commodity that fits on the plane
- Call (800) 238-0181 for details

FedEx Additional Services Within the U.S.

FedEx Dangerous Goods Service
FedEx has the expertise to deliver more hazardous materials to more places than any other air carrier.
- Hotline specialists offer free advice on labeling, packaging and regulations (call 1-800-Go-FedEx)
- See glossary for special handling fees, and also refer to dangerous goods

seminars

FedEx Collect on Delivery (C.O.D.) Service*
C.O.D. payment is returned fast (by next business day within the continental U.S.)
- FedEx alerts recipient before delivering the C.O.D. shipment, so you can receive full payment promptly
- We will collect a money order, cashier's check, certified check, company check or personal check (secured or unsecured)
- See glossary for additional charges

Saturday Service
FedEx commits to Saturday pickup and delivery service in many U.S. locations. Consult the Dropoff Locator for latest pickup times.
- There's no extra charge to drop off or pick up shipments on Saturday at a FedEx location
- FedEx Drop Boxes are not serviced on Saturday
- See glossary for special handling fees

Hold at FedEx Location Service
We can hold your package at a FedEx location if you won't be available to receive a courier delivery.
- Often you can pick up the shipment earlier than your courier's scheduled delivery time
- The sender must mark "Hold at FedEx Location" on the airbill and write the address of the FedEx location where the package should be held
- If you pick up freight (over 151 lbs. per piece), you could get a discount

FedEx Serves the U.S. Government
FedEx is the official small-package express service for the U.S. government under GSA Contract No. GS-23F-9656D.
- Discounted rates available for FedEx Priority Overnight and FedEx 2Day
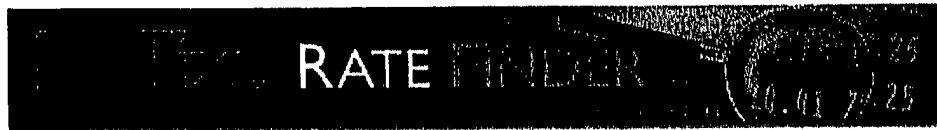- Refer to FedEx U.S. Government Shipping

* See FedEx Service Guide for details and limitations.

[x] Image map- See text navigation at the bottom

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RATE FINDER

FEDEX RATE FINDER GLOSSARY

This information is taken from the FedEx Service Guide. For full text consult the Service Guide. In the event of a conflict between this glossary and the Service Guide, the Service Guide will control.

Additional Taxes

If a federal value-added, consumption or similar tax is applicable to your shipment, we reserve the right to add that amount to your shipment charges. A federal excise tax, if any, is paid by us when required by the Internal Revenue Code on the air transportation portion of this service.

Address Correction

Within the U.S., if a recipient's address on an airbill is found to be incomplete or incorrect [e.g., use of P.O. box numbers, P.O. box ZIP codes or incorrect ZIP codes, omission of suite numbers, apartment numbers, use of old street addresses for recipients who have relocated, or omitting a phone number for a Rural Delivery (RD) address or a Star Route Assignment (SRA) address in Alaska], a special handling fee will be assessed per address correction. Internationally, if a recipient's address is found to be incomplete or incorrect (e.g., incorrect postal codes, omitted apartment numbers, and former street addresses for recipients who have relocated), or if a valid telephone/fax/telex number for the recipient is not provided on the air waybill, a special handling fee of $10 per address correction will be assessed.

Billing

Within the U.S., a $10 special handling fee will be applied in addition to transportation charges when: no FedEx Account Number appears on the airbill or Express Manifest on "Bill Sender" transactions, or where an incomplete, inaccurate, invalid or deleted account number appears on the shipping document, or where FedEx is requested to change a billing from the party billed or the "bill to" party shown on the shipping document to the sender, or where FedEx is unable to obtain payment on any Airbill transaction billed through any of the credit cards accepted by Federal Express®. Internationally, if a valid "bill to" account number is not provided or if FedEx is unable to obtain payment on any air waybill transaction billed through any of the credit cards accepted by Federal Express, a special handling fee of $10 may apply.

Courier Pickup Charge

Effective July 1, FedEx charges differently for courier pickups.
Now, when you request courier pickup service, a $3 charge will be
reflected on your invoice as a "PickUpCharge." Specifically, the
charge is $3 per package for shipments within the U.S., or $3 per
shipment for U.S. export shipments (a shipment is defined as one
or more packages tendered on a single air waybill). This charge
does not apply if you have a regular pickup with FedEx. This
charge does not apply to FedEx SameDay® shipments or to freight
weighing 151 lbs. or more per piece.

Dangerous Goods

Dangerous goods require special packaging, marking, labeling and
documentation. They may not be shipped in any FedEx
packaging, and you can only ship them via certain FedEx®
services. Shipments of certain classes of hazardous materials may
require additional preparation and preapproval. In addition, they
are not acceptable to all international locations. Dangerous goods
are not acceptable for shipment via FedEx International First,
except for dry ice. We provide a free Dangerous Goods hotline
staffed by specialists to answer your questions. Please ask for it
when you call (800) 463-3339.

FedEx accepts two classes of dangerous goods, accessible and
inaccessible:

Accessible Dangerous Goods

These are dangerous goods shipments that must be
accessible during transit. These may only be shipped using
FedEx Priority Overnight® or FedEx Overnight Freight®
services in the U.S., or FedEx International Priority® or
FedEx International Priority Freight internationally. Within
the U.S., a $35 special handling fee will be assessed for
each package where per-package pricing applies, and per-
shipment where hundredweight pricing applies.
Internationally, a $60 surcharge will be assessed per
shipment. Accessible Dangerous Goods may only be
shipped using FedEx International Priority or FedEx
International Priority Freight. The classifications:

- Class 1 Explosives
-
  Class 2 Gases:
      2.1 Flammable Gas
      2.2 Non-flammable Gas with a "Cargo Aircraft
      Only" Label
- Class 3 Flammable Liquid
- Class 4 Flammable Solid, Spontaneously
  Combustible, Dangerous When Wet
- Class 5 Oxidizer and Organic Peroxide
- Class 8 Corrosive Material

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Inaccessible Dangerous Goods

The following classifications may be shipped by most FedEx U.S. and international services. Within the U.S., a $10 special handling fee will be assessed for each package where per-package pricing applies, and per-shipment where hundredweight pricing applies. (Only dry ice is acceptable for transportation via FedEx First Overnight. Dangerous Goods are not acceptable for shipment via FedEx SameDay (SM).) Internationally, a $40 special handling fee will be assessed per shipment. When using FedEx International Economy Inaccessible Dangerous Goods may only be shipped from the U.S. to Canada and Puerto Rico. Dangerous goods are not acceptable to all international locations. Call (800) 247-4747 for details and assistance. The classifications:

- Class 2 Gases:
  2.2 Non-flammable Gas Without a "Cargo Aircraft Only" Label

- Class 6
  6.1 Toxic
  6.2 Poison and Infectious Substances
- Class 7 Radioactive
- Class 9 ORM-D

Declared Value

Within the U.S., the maximum declared value for any FedEx Letter and FedEx Pak in a shipment is US$500. For other U.S. shipments, the maximum declared value is US$50,000. A $2.50 minimum charge will be assessed for all shipments whose declared value is over $100 and up to $500. For shipments exceeding $500 in declared value, an additional $0.50 will be charged for each $100 (or fraction thereof) of declared value. Internationally, the maximum declared value for customs and carriage (the FedEx liability for any loss, damage, delay, etc.) is US$50,000 or US$9.07 per pound for shipments to more than 80 countries. For many shipments, you may declare a value for carriage of up to US$50,000, or US$9.07 per pound, whichever is greater. See "Declared Value and Limits of Liability" in the Service Conditions section of the FedEx Service Guide for details.

Delivery Reattempt Charge (Freight)

Charge: $.0333 per pound; minimum charge of $25.00.
When an attempt is made to deliver and the delivery cannot be completed, no delivery reattempt will be made except upon request. Each reattempt will be subject to a Delivery Reattempt Charge in addition to all other applicable charges.

Destination ZIP/Postal Code

The destination ZIP is the ZIP code of the recipient to whom you are sending your shipment. With this information, you can determine the destination region for your shipment - and then your rate. Please note that FedEx cannot deliver to post office addresses within the U.S., nor to U.S. military post office box addresses such as APO and FPO. Shipments addressed to a post office box are acceptable to all countries FedEx serves outside the U.S. if the recipient's name and a valid telephone/fax/telex number are included on the air waybill..

Dimensional Weight-U.S. Domestic

FedEx may assess transportation charges based on the volumetric standard. Dimensional weight for shipments traveling within the U.S. is calculated by multiplying the length by width by height of each package in inches and dividing by 194. If the dimensional weight exceeds the actual weight, you will be charged based on the dimensional weight. Dimensions of 1/2" or greater are rounded up to the next whole number; dimensions less than 1/2" are rounded down. The final calculation is rounded up to the whole pound. Dimensional weight can be applied to packages or shipments in customer packaging (not FedEx packaging) with a package greater than 12" x 12" x 12".

Dimensional Weight-U.S. Export

Federal Express may assess transportation charges based on the International Air Transport Association (IATA) volumetric standard. Dimensional weight is calculated by multiplying the length by width by height of each package in inches and dividing the total by 166 (standard density in cubic inches per pound). If the dimensional weight exceeds the actual weight, charges may be assessed based on the dimensional weight. Dimensional weight applies on a per-shipment basis to all shipments in customer packaging greater than 12" x 12" x 12". Multiple-piece FedEx International Priority shipments in the following FedEx packaging are subject to dimensional weight pricing: Small, Medium and Large FedEx Boxes, FedEx Tube, and FedEx 10kg Box and FedEx 25kg Box.

Drop-Off Rates

FedEx now separates courier pickup charges from transportation costs so you can more easily see charges for each. The rates published here apply to packages dropped off at one of more than 40,000 convenient drop-off locations. They also apply if you have a regular pickup with FedEx. If you prefer to have a courier come, add $3 per package for shipments within the U.S. (or $3 per shipment for U.S. export shipments) to these rates. This will be itemized separately on your invoice as a courier pickup charge. This charge does not apply to freight weighing 151 lbs. or more per piece.

Extended Service Area Surcharge (U.S. export shipments)

FedEx utilizes agents for deliveries to points in Extended Service Areas (ESA). Depending on the final destination, an ESA surcharge of US$20 (or US$0.20 per pound, whichever is greater) per shipment may be applied for U.S. export shipments. Call us at (800)247-4747 to determine whether your shipment will be subject to this charge.

Extra Labor Charge (Freight)

Charge: $49.00 per handler hour.
When requested by the shipper or consignee, extra labor beyond the driver will be provided for the loading and unloading of freight. An Extra Labor Charge will be assessed in addition to all other applicable charges. This charge will be computed from the time the extra labor arrives at the place of pickup/delivery until loading or unloading is completed.

Extra-Large Packages (shipments within U.S.)

Pieces that exceed 165" in length and girth combined are considered to be U.S. Domestic Freight Service shipments. Here's how to calculate the length and girth of a package: length plus {2 times the height} plus {2 times the width}. If the dimension includes a fraction, a fraction 1/2" or greater will be rounded up to the next whole number; less than 1/2" will be rounded down to the next whole number. Maximum dimensions for FedEx Overnight Freight and FedEx 2Day Freight shipments are 119" in length, 70" in height, or 300" in length plus girth. FedEx Express Saver Freight shipments or pieces not palletized, banded and/or shrink-wrapped, not stackable, and/or exceeding 284" in length and girth with limits of 48" in length, 48" in width and 70" in height, will not be accepted.

FedEx Collect on Delivery Service (shipments within U.S.)

FedEx alerts the recipient before the C.O.D. shipment delivery is attempted so you can receive full payment promptly. FedEx returns the C.O.D. payment to the sender by the next business day after it is received within the 48 states. Call for details. If a C.O.D. sender's shipments have a 20 percent refusal rate, a higher charge may be applied. A special handling fee of $5 per package will apply for shipments receiving per-package rating, and $5 per shipment for shipments receiving hundredweight, freight and shipment pricing. For details, see "Collect on Delivery" in the Service Conditions section of the FedEx Service Guide.

Freight Inside Delivery Charge (Freight)

Charge: $.0412 per pound; minimum charge of $52.00.
When requested, FedEx may move shipments from positions beyond the adjacent loading area. In doing so, an Inside Delivery Charge will be assessed in addition to all other applicable charges. The adjacent loading area is defined as a delivery site which is

directly accessible from the curb and is no more than 50 feet
inside the outermost door. Inside Delivery service does not
include the opening of packages or unitized shipments, including
shrink-wrapped or banded freight on pallets or skids.

Freight Inside Pickup Charge (Freight)

Charge: $.0412 per pound; minimum charge of $52.00.
When requested, FedEx may move shipments from positions
beyond the adjacent loading area. In doing so, an Inside Pickup
Charge will be assessed in addition to all other applicable charges.
The adjacent loading area is defined as a pickup site which is
directly accessible from the curb and is no more than 50 feet
inside the outermost door.

Freight Special Handling Services

FedEx may provide special handling services beyond standard
pickup and delivery for shipments tendered for transportation via
U.S. Domestic Freight Service (FedEx Overnight Freight®, FedEx
2Day Freight® and FedEx Express Saver® Freight). Requests for
such services must be communicated directly to your FedEx
courier if you are using a FedEx USA Airbill. Users of FedEx
PowerShip 3 and FedEx PowerShip 2 can request Inside Pickup
and Delivery, H3 Pickup and Delivery, and Residential Pickup
and Delivery by way of a FedEx PowerShip device. We assume
no responsibility or liability if we decline to provide any special
services, described below. The following fees will be assessed:

Residential Pickup	$33.50 per shipment
Residential Delivery	$33.50 per shipment
Inside Pickup	$.0412/lb.; minimum charge of $52
Inside Delivery	$.0412/lb.; minimum charge of $52
Delivery Reattempt	$.0333/lb.; minimum charge of $25
H3* Pickup	$50 per shipment
H3 Delivery	$50 per shipment
Extra Labor	$49 per hour
Address Correction**	$32 per correction

* For specific service areas, please call 1-800-GoFedEx (800-463-3339).

** If a recipient's address on an airbill is found to be incomplete or incorrect
(e.g., use of P.O. box numbers, P.O. box ZIP codes or incorrect ZIP codes,
omission of suite numbers, apartment numbers, use of old street addresses for
recipients who have relocated, or omitting a phone number for a Rural Delivery
(RD) address or a Star Route Assignment (SRA) address in Alaska) a special
handling fee will be assessed per address correction.

H3 Delivery Charge (Freight)

Charge: $50.00 per shipment.

Shipments delivered to points outside the FedEx primary service areas are destined to H3 areas* and are assessed an H3 Delivery Charge. When an H3 Delivery Charge is assessed, no other destination-related, surchargeable freight services are available. Shipments to H3 service areas may be delivered by a cartage agent on behalf of FedEx. Money-Back Guarantees** to II3 areas apply only to the portion of the move handled directly by FedEx.

* For an explanation of H3 areas, or to determine the delivery area for your shipment, call us at (800) 463-3339 or refer to the FedEx Worldwide Directory, available upon request.

** See the Service Conditions section of the FedEx Service Guide for details and limitations.

H3 Pickup Charge (Freight)
Charge: $50.00 per shipment.
Shipments picked up outside the FedEx primary service areas originate in H3 areas* and are assessed an H3 Pickup Charge. When an H3 Pickup Charge is assessed, no other origin-related, surchargeable freight services are available. Shipments from H3 service areas may be picked up by a cartage agent on behalf of FedEx. Money-Back Guarantees** from H3 areas apply only to the portion of the move handled directly by FedEx.

* For an explanation of II3 areas, or to determine the delivery area for your shipment, call us at (800)463-3339 or refer to the FedEx Worldwide Directory, available upon request.

** See the Service Conditions section of the FedEx Service Guide for details and limitations.

Hundredweight/Per-Pound Rates (shipments within U.S.)
Multiple-piece shipments on a single FedEx USA Airbill to one destination are rated on a price-per-package basis and on a price-per-total-shipment-weight (hundredweight) basis (assuming a 100-lb. total weight minimum and a minimum per piece charge equal to the 5-lb. rate per package). You are billed the lower of the two rates. See charts entitled "Hundredweight/Per-Pound Rates."

Message Disclaimer
The rates published here are FedEx Service Guide rates. Your shipping volume may be such that you are on a discounted rate program with FedEx. If that is the case, you can obtain your particular rates by contacting your FedEx Account Executive or calling FedEx Customer Service at (800) 463-3339.

Multiple-Package Shipments (shipments within U.S.)
Multiple-package shipments will be accepted as one piece if the shipment is shrink-wrapped or banded together to form a single handling unit. Individual packages in a multiple-piece shipment may have

different weights, dimensions and declared value. However, they all must move together on the same airbill on the same day from one sender to one recipient (up to 999 packages can be on the same airbill), use the same service, have the same delivery and special handling instructions, and be billed to the same party, and each piece in the shipment must weigh 150 lbs. or less.

Rates by Region

From origin to destination, your shipment could cross several regions, each representing a different mileage and price break. Shipments going to closer regions will cost less than shipments moving to farther regions. When you request rates by region, you will see rates for all U.S. services to that region. Regions 2-8 apply to the continental U.S., and Regions 9-16 apply to Alaska and Hawaii. Specifically, Regions 9-10 are from Continental U.S. to AK/HI metro (note that FedEx Standard Overnight is available to Alaska metro only); Regions 11-12 are from Continental U.S. to AK/HI rural (note that FedEx Standard Overnight is not available to rural Alaska/Hawaii); Regions 13-16 are from AK/HI to Continental U.S. (note that FedEx First Overnight is available from Alaska only).

Reroute of Shipment (shipments within U.S.)

A $10 special handling fee will be billed to the account number specified on the FedEx airbill for each rerouted package, and will appear as an address correction on the invoice. Reroutes can include a request to deliver to a different address in the same city, or to a different address in another city or state, or changing a hold-at-location instruction to a request for courier delivery. Only one reroute will be allowed per package.

Residential Delivery Charge (FedEx Express Saver®)

A $1 special handling fee will apply to FedEx Express Saver shipments destined to a residential delivery address, and we may not obtain a signature at residential destinations. "Residential delivery" refers to a delivery to a home or private residence, including locations where a business is operated from the home.

Residential Delivery Charge (Freight)

Charge: $33.50 per shipment.
Shipments delivered to private residences will be subject to a Residential Charge per shipment in addition to all other applicable charges. A private residence is defined as a home or place of dwelling and includes those businesses operated out of a home.

Residential Pickup Charge (Freight)

Charge: $33.50 per shipment.
Shipments picked up at private residences will be subject to a Residential Charge per shipment in addition to all other applicable charges. A private residence is defined as a home or place of dwelling and includes those businesses operated out of a home.

Saturday Delivery

You can get Saturday delivery service to many U.S. locations for an additional $10 special handling fee. Saturday delivery can be scheduled for FedEx Priority Overnight® shipments to many locations if tendered to FedEx on Friday. For FedEx 2Day®, shipments should be tendered to FedEx on Thursday. Saturday delivery is not available for FedEx First Overnight®, FedEx Standard Overnight® and FedEx Express Saver®, nor for U.S. Domestic Freight Services. In Alaska, Saturday delivery is available in Anchorage only. Saturday delivery is available to selected international locations. Please call Customer Service for more information.

Saturday Pickup

Saturday courier pickup is available for many FedEx services (and for FedEx International Priority shipments destined for international points) in many locations in the U.S. for an additional $10 special handling fee. Packages picked up on Saturday would be delivered on the following Monday or Tuesday. Saturday pickup is not available for U.S. Domestic Freight Services. (FedEx Drop Boxes are not serviced on Saturday.) In Alaska, Saturday pickup is available in Anchorage only. In Hawaii, no Saturday service of any kind is offered.

Temporary Fuel Surcharge

Due to the potential for significant fluctuations in the market for aviation and vehicle fuel, FedEx reserves the right to assess a temporary fuel surcharge on any shipments without notice. Any such surcharge will be applied for such periods as we may determine necessary. On February 3, 1997, FedEx instituted a 2% temporary fuel adjustment, which is planned to end August 1, 1997.

[x] Image map- See text navigation at the bottom

Your Comments and Suggestions Welcomed!

RELATED PROCEEDINGS APPENDIX (37 C.F.R. §41.37(c)(1)(xi) heading)

1.   A copy of the Notice of Panel Decision from Pre-Appeal Brief Review, dated April 18, 2006, indicating the above-identified application remained on appeal, is attached hereto.

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/684,861	BILIBIN ET AL.	
	Beth Van Doren	Art Unit 3623	

Document Code - AP.PRE.DEC

Notice of Panel Decision from Pre-Appeal Brief Review

This is in response to the Pre-Appeal Brief Request for Review filed _3/20/06_.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

    ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
    ☐ The request does not include reasons why a review is appropriate.
    ☐ A proposed amendment is included with the Pre-Appeal Brief request.
    ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

    ☒ The panel has determined the status of the claim(s) is as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _1-13 & 15-17 &19-23_.
Claim(s) withdrawn from consideration: _____.

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) _Beth Van Doren_.

(2) _Susanna Diaz_.

(3) _Tariq Hafiz_.

(4) _____.